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Attorneys for Plaintiff

Harmeet K. Dhillon

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HARMEET K. DHILLON,

Plaintiff,

v.

DOE 1, et al.,

Defendants.

Case No. 13-cv-01465 SI

**DECLARATION OF TAB BERG IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION BY
DEFENDANT DOE 1 FOR
JUDGMENT ON THE PLEADINGS
PURSUANT TO FRCP 12(C) OR FOR
SUMMARY JUDGMENT**

Date: February 28, 2014

Time: 9:00 a.m.

Courtroom 10, 19th Floor

Hon. Susan Illston

I, Tab Berg, declare:

1. I am a public relations, campaign strategy, media relations and communications specialist and the founder and owner of TABcommunications, inc., a corporation specializing in

1 campaign, public education and media consulting in California. I have personal knowledge of the
2 matters set forth herein and if called as a witness could and would competently testify thereto.

3 As to those matters stated on information and belief, I believe them to be true.

4 2. Over the past 20 years, I have advised hundreds of elected officials, business and
5 trade organizations, political groups and candidates for public office on communications, public
6 policy, campaigns, messaging, internet, communications and political action. I have authored
7 numerous articles on political communication and am a coauthor of the book "About Face - the
8 role of internet in modern campaigns." I have lectured and conducted professional training
9 nationally and internationally on political communication for groups ranging from National
10 Endowment for Democracy (International Republican Institute), Northern California Lincoln
11 Club, Public Police Institute and more than a dozen political party groups.

12 3. In my experience, the value of an individual's headshot photograph decreases
13 when it is used in a negative and/or unauthorized way, and such use can devalue the "brand" of
14 the person depicted in the photograph.

15 4. In my experience, professional political figures zealously guard and protect the
16 images they release to the public, and I instruct my clients to be selective about which images are
17 released, to whom, and at what time.

18 5. I am aware of several firms that exist solely to protect the value of a client's
19 images online, including by patrolling the Internet to determine where a client's image is used
20 negatively, and taking action to negate the harmful effects of that use.

21 6. Based on my experience and understanding of the facts of this case, it is my
22 opinion that the unauthorized of a headshot photograph of Harmeet Dhillon decreases the value
23 and usefulness of the photograph to Ms. Dhillon.

24 7. Based on my experience, it is my opinion that the unauthorized use of a headshot
25 photograph of Harmeet Dhillon decreases the value and usefulness of the photograph to third
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1 parties, who might otherwise seek to license the photograph from Ms. Dhillon, for the same
2 reasons stated above.

3 8. In my experience, a headshot photograph of an individual remains useful and
4 valuable for several years following its original creation, and the fact that a headshot photograph
5 from 2008 is being used in 2013 would not have any effect on the value of the headshot
6 photograph in 2013. In fact, many political figures, including my clients, routinely use headshot
7 photographs from prior years, to identify and represent themselves to the public.
8

9
10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct and that this declaration was executed at the date set forth below in
12 Sacramento, California.

13 Date: January 27, 2014

14
15 

16 Tab Berg